

REMARKS

Applicants appreciate the time taken by the Examiner to review Applicants' present application. This application has been carefully reviewed in light of the Official Action mailed February 28, 2006. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 103

Claims 1-23 were rejected by the Examiner as obvious over U.S. Patent No. 6,021,431 ("Giorgio"). The rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

Claim 1 recites:

A system comprising:
a processor; and
a memory coupled to the processor;
wherein the processor is configured to
store unit attentions received from a first target
device in the memory,
periodically identify unnecessary ones of the unit
attentions stored in the memory, and
eliminate one or more of the unnecessary ones
of the unit attentions.

Thus, Claim 1 recites to "periodically identify unnecessary ones of the unit attention stored in the memory and eliminate one or more unnecessary ones of the unit attentions."

Claims 10 and 17 contain similar recitations.

The Examiner relied on Giorgio to teach a processor and a memory “wherein the processor is configured to store unit attentions received from a first target device in the memory device.” However, the Examiner failed to cite any references of a router that periodically identifies unnecessary items stored in an initiator stack and eliminates one or more unnecessary items. Instead, the Examiner simply concluded that because “it has been commonly practiced to delete or eliminate unnecessary information stored in memory” it would have been “obvious to one having ordinary skill in the art at the time of the invention . . . to periodically identify unnecessary ones of the unit attentions stored in the memory and eliminate one or more unnecessary ones of the unit attentions.”

Applicants respectfully submit that the Examiner has failed to cite any evidence on the record that support his conclusions that “it has been commonly practiced to delete or eliminate unnecessary information stored in memory . . . accordingly, it one have been obvious to one having ordinary skill in the art at the time of the invention . . . to periodically identify unnecessary ones of the unit attentions stored in the memory and eliminate one or more unnecessary ones of the unit attentions.” Moreover, Giorgio suggests against the Examiner’s combination with the “knowledge generally available” of periodically identifying unnecessary items stored in an initiator stack and eliminating one or more unnecessary items. According to Giorgio, unit attentions are removed from memory when it is returned to a requesting host processor. See, Giorgio, col. 5, lines 61-63. However, unit attentions appear otherwise to be maintained in memory. Giorgio claims this retention of unit attentions as an advantage over the prior art stating “thus the prior art system of using one initiator for multiple processors is disadvantageous in that if one processor receives and subsequently clears all target status information, other processors connected to that initiator are unaware of any changes that may have been made in the target status.” See, Giorgio, col. 2, lines 13-18. Thus, the teachings as a *whole* suggest against modifying Giorgio because Giorgio already provides a mechanism by which unit attentions are removed from the stack under particular circumstances (e.g., see, Giorgio, col. 6, lines 14-19), but otherwise suggests retaining attention data is an advantage over the prior art. Since the Examiner has failed to cite any references of a router that periodically identifies unnecessary items stored in an initiator stack and eliminates one or more unnecessary items and Giorgio teaches away from removing attentions from the queues except in the circumstances described in Giorgio, withdrawal of this rejection is respectfully requested.

Claim 4 recites “wherein each of the unit attentions is associated with a corresponding priority” while Claim 13 and 20 recite “associating a priority with each of the unit attentions.”

Again the Examiner only provides a conclusory assertion without providing any evidence in addition to Giorgio to support modifying Giorgio. Specifically, the Examiner states:

Assigning a priority to buffering information and eliminate or remove the information based on the priority has been known and widely implemented in the pertinent art. The purpose of doing is to avoid deleting or removing higher priority information from the queue, buffer or memory. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to assign priority to the unit attentions stored in the Giorgio memory so as to eliminate or remove unit attentions based on the assigned priority.


Again, however, the Examiner provides no information as to how some supposed priority scheme would, or even could, apply to unit attentions. This is insufficient for a prima facie case of obviousness as the Examiner has not actually shown where various elements of the present invention can be found in the prior art nor has the Examiner shown why it would be obvious to modify Giorgio according to the supposed prior art to create the Applicants invention. Consequently, the Examiner has failed to sufficiently establish a prima facie case with respect to Claims 4, 13 and 20. Applicants respectfully request that the Examiner particularly point out on the record, prior art of a priority scheme that can be applied to unit attentions with a reasonable expectation of success or allow Claims 4, 13 and 20.

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of all of the pending claims. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

Sprinkle IP Law Group
Attorneys for Applicant

A handwritten signature in black ink, appearing to read 'John Adair', with a long horizontal flourish extending to the right.

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